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09/838,133	04/20/2001	David Verchere	164.0001	9529
35987	7590	02/02/2010	EXAMINER	
JOSEPH P. CURTIN 1469 N.W. MORGAN LANE PORTLAND, OR 97229			GARG, YOGESH C	
			ART UNIT	PAPER NUMBER
			3625	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 12/30/2009 has been entered.

2. Claims 1-5 and 11 have been amended and new claims 21-58 filed. Claims 6,9,10, 16, 19, 20 were previously canceled. Claims 1-5, 7-8, 11-15, 17-18 were previously allowed. Claims 1-5, 7-8, 11-15, 17-18 and 21-58 are pending.

Election by Original Presentation

3. Newly submitted claims 21-58 are directed to inventions that are independent or distinct from the invention originally claimed for the following reasons:

Originally claimed invention (see independent claims 1 and 11) are directed to a computer implemented method and system requiring essentially a user interface device with GUI displaying representations of a product, a data storage device storing product parameter data and pricing algorithm and a product parameter identifying and pricing computer which receives over a computer network the request created by a user by selecting product parameters on the GUI. Based on the created request the identifying

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and pricing computer breaks the request into three components, that is an item, a process and artwork and then based identifying each of the components a pricing algorithm from the data storage device is applied to generated dynamically and then further linking the item, the process and the artwork a product identifier is generated and then finally the product with the generated price and identifier is branded.

Newly submitted claims 21-39 are directed to a process which does not require any of the components of the originally filed inventions [see claim 1] that is a user interface device with GUI displaying representations of a product, a data storage device storing product parameter data and pricing algorithm and a product parameter identifying and pricing computer which receives over a computer network the request created by a user by selecting product parameters on the GUI. In fact, the process of claim 21 have two manipulative steps that is receiving a request via a communication network and generating a price. A communication network, in its broadest possible interpretation, can be manual contact networks wherein requests from one group that is requestors can be communicated to another group providers manually. The step of generating price can be done manually, as recited. Therefore, it can be seen that the process recited in claim 21 is distinct from that of recited in the originally filed claim 1.

Similarly newly submitted claims 40-58 are directed to a system which is quite distinct from the system claimed in the originally filed claims [see independent claim 11]. As analyzed above the structural components of originally filed claim 11 comprise essentially a user interface device with GUI displaying representations of a product, a data storage device storing product parameter data and pricing algorithm and a product

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parameter identifying and pricing computer which receives over a computer network the request created by a user by selecting product parameters on the GUI. Based on the created request the identifying and pricing computer breaks the request into three components, that is an item, a process and artwork and then based identifying each of the components a pricing algorithm from the data storage device is applied to generated dynamically and then further linking the item, the process and the artwork a product identifier is generated and then finally the product with the generated price and identifier is branded. The system of claim 40, as recited, does not require these structural components and does not implement the functions required by the system recited in claim 11.

Therefore, from the above, it is clear that newly submitted claims 21-58 are independent and distinct from the originally filed claimed inventions, see claims 1 and 11.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, newly submitted claims 21--58 withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

In view of the foregoing, originally filed claims 1-5, 7, 8, 11-15, 17 and 18 will be considered for further action on merits.

Allowable Subject Matter

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4. Claims 1-5, 7, 8, 11-15, 17 and 18 were allowed in the previous office action mailed 9/30/2009. Currently filed claims 1-5 and 11 are amended but amendments are directed to matters of form not affecting the scope of invention. Therefore claims 1-5, 7, 8, 11-15, 17 and 18 are allowable for the same reasons already stated in the Notice of Allowance mailed 9/30/2009.

5. If the withdrawn claims 21-58 are cancelled then the application can be placed in condition for allowance.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh C. Garg whose telephone number is 571-272-6756. The examiner can normally be reached on Increased Flex/Hoteling.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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